

REMARKS

Applicant Summary of Examiner Interview

The Examiner and the Applicant's undersigned representative held an Examiner interview on August 19, 2009. The Examiner and the Applicant's representative discussed proposed amendments to independent claims 1 and 22 in view of *Reeder*. No agreement on patentability was reached in the Examiner Interview. The Examiner requested that the Applicant's representative present the proposed amendments in a formal response to the *Office Action*. The Applicant's representative thanks the Examiner for her cooperation in granting the Examiner's Interview.

Amendments to the Specification

The Applicant has amended paragraph [0041] of the present application to include the following language:

Additionally, the bed system may enable application of virtual medical logic and rules analyses to assist patients and physicians in areas of medicine characterized by a rapid expansion of knowledge and research data exceeding the integrative capacity of some busy, practicing clinicians.

The added portion is found in U.S. Provisional Patent Application Number 60/463,999 (the '999 application), an application incorporated by reference in the present application and to which the present application claims a priority benefit under 35 U.S.C. § 120. Because the '999 application is incorporated by reference, adding content from the application does not constitute adding new matter.

Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-12, 14-20, and 22-26 under 35 U.S.C. § 102(e) as being anticipated by previously cited *Reeder*. *Reeder* fails to disclose each and every element recited in the aforementioned rejected claims as amended.

Reeder discloses a patient monitoring system that captures data from medical devices at a single location. The system of *Reeder* “permits[s] a caregiver to input instructions into the system” and is “a system for monitoring patient information.” *Reeder*, [0014]. *Reeder* therefore discloses that the instructions input to the system by the caregiver are related to the *monitoring* of patient information and not to the *control of medical care to the patient*.

Reeder does not disclose the particularities of the computing system as recited in claim 1. For instance, *Reeder*’s system merely receives and monitors patient information, and does not ‘interpret the patient information,’ ‘automatically transmit control instructions . . . based on the patient information,’ and ‘generate . . . decision-making options for health-care personnel’ ‘based on medical logic rules and the patient information,’ nor does it ‘apply virtual medical logic based on patient information and research data to generate decision-making options.’ The Applicant contends the disclosure of *Reeder* is insufficient in addressing the embodiment recited in claim 1.

In addition, *Reeder* discloses a transport system including a hospital bed or cart coupled to the hospital bed to which a computer and patient monitoring capabilities may be coupled. For instance, “[p]hysiological monitoring interface 90 includes a **separate housing** having a locking mechanism” for “secur[ing] module 50 to the interface 90.” *Reeder*, [0098]-[0099]; see also Figure 4 and Figure 5. *Reeder* does not disclose “a **single** structure configured to . . . transport the patient, the medical monitoring device, the **medical care device**, and the computing system **together**.” (emphasis added). Thus, *Reeder* does not anticipate the recited portions of claim 1.

Rejected claims 2-21 depend from independent claim 1 and thus incorporate the patentably distinguishing features of independent claim 1. Therefore, these claims are allowable for at least the corresponding reasons discussed above with respect to claim 1.

Independent claim 22 recites a method for, *inter alia*, ‘automatically transmitting control instructions . . . to provide medical care to the patient based on the patient information,’ ‘generating, based on medical logic rules and the patient information, decision-making options for health care personnel’ and ‘applying virtual medical logic based on patient information and research data to generate decision making options for health care personnel.’ Further, claim 22 recites ‘a **single** structure’ for ‘supporting a patient, a computing system, a medical care device, and a medical monitoring device.’ These elements are not anticipated by *Reeder* for at least the reasons presented in the context of claim 1. *Reeder* discloses a caregiver that may manually input instructions into a system for monitoring purposes. *Reeder* does not disclose a system providing control instructions or transporting a patient, monitoring device care device and computing system in a **single structure** as recited in claim 22. Thus, *Reeder*’s teaching does not anticipate claim 22.

Rejected claims 23-26 depend from independent claim 22 and thus incorporate the patentably distinguishing features of independent claim 22. Therefore, these claims are allowable for at least the corresponding reasons discussed above with respect to claim 22.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claim 13 as being unpatentable over *Reeder* in view of U.S. Patent Publication No. 2003/0140928 to Bui et al. (hereinafter *Bui*). Since the combination of *Reeder* and *Bui* fails to make obvious each and every element as recited in claim 13, the Applicant asserts that the rejection under 35 U.S.C. § 103 is overcome.

As discussed in the context of the rejection under 35 U.S.C. § 102, *Reeder* does not disclose each and every element of independent claim 1. *Bui* discloses a system that administers treatment by a medical device. Since *Bui* does not cure the failings of *Reeder* with respect to claim 1, the embodiment in claim 1 is not obvious over the combination of *Reeder* and *Bui*. Claim 13 is dependent on claim 1 and should be allowable for at least the same reasons as claim 1 in addition to the patentable elements it recites.

The Examiner has rejected claim 21 as being unpatentable over *Reeder* in view of U.S. Patent Publication No. 2002/0014951 to Kramer et al. (hereinafter *Kramer*). Since the combination of *Reeder* and *Kramer* fails to make obvious each and every element as recited in claim 13, the Applicant asserts that the rejection under 35 U.S.C. § 103 should be withdrawn.

As discussed in the context of the rejection under 35 U.S.C. § 102, *Reeder* does not disclose each and every element of independent claim 1. *Kramer* discloses a method and apparatus for controlling a hospital bed. Since *Kramer* does not cure the failings of *Reeder* with respect to claim 1, the embodiment claims in claim 1 is not obvious over the combination of *Reeder* and *Bui*. Claim 21 is dependent on claim 1 and should be allowable for at least the same reasons as claim 1 in addition to the patentable elements it recites.

CONCLUSION

The Applicant contends that, for at least the foregoing reasons, claims 1-26 of the present application are patentable over *Reeder, Bui, and Kramer*. The Applicant respectfully requests removal of the objections and rejections and the issue of a notice of allowance. The Examiner is invited to contact the Applicant's undersigned representative with any questions concerning this matter.

Respectfully submitted,
Baird Mallory

September 10, 2009

By: /deepa ravindranath/
Deepa Ravindranath (Reg. No. 60,379)
Carr & Ferrell LLP
2200 Geng Road
Palo Alto, CA 94303
P: 650.812.3400
F: 650.812.3444